

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

HOLCOMBE, et. al,

Plaintiffs

vs.

UNITED STATES OF
AMERICA,

Defendant

NO. 5:18-CV-00555-XR
(consolidated cases)

**PLAINTIFFS' OBJECTIONS TO DEFENDANT UNITED
STATES' TRIAL DEPOSITION DESIGNATION OF COLONEL
JAMES HUDSON**

Plaintiffs file the following Objections to Defendant United States' Designations of Deposition Testimony from Colonel James Hudson, Plaintiffs specifically object to the proffered page and line designations as follows:

Objections to Deposition Testimony of Colonel James Hudson

Page / Line	Objection & Testimony at Issue	Court's Ruling		
		<i>Sus- tained</i>	<i>Over- ruled</i>	<i>Other</i>
187:16- 188:16	<p>Plaintiff objects to this testimony after “I can’t recall” as non-responsive to the question asked, not based on personal knowledge as required by FRE 602, and therefore speculative.</p> <p>16 Q. Can you test it -- can you tell us how 17 the trainees were tested on criminal-data-history 18 compliance? 19 A. Well, we had -- excuse me. We had 20 exercises and scenario, which were hands-on testing, 21 whether or not a specific graded element included 22 criminal-data-history compliance, I can't recall. 23 In other words, I'm not sure if -- when we 24 were looking at a certain exercise or scenarios, 25 whether or not there was a line item that said, Did Page 188 1 you submit the fingerprint cards in compliance with 2 Air Force instruction or DoD IG, whatever. 3 Q. Um-hum. 4 A. It was probably more along the lines of, 5 Did the student comply with all relevant aspects of 6 conducting the investigation, documenting the 7 investigation, closing the case file properly. So 8 that was the hands-on piece. 9 We had written tests as well that covered all 10 the blocks of instruction. So presumably -- and 11 I -- I don't recall, you know, I'd have to pull the 12 tests -- but presumably, there were -- there were</p>			

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	<p>13 questions on there about the timing or the</p> <p>14 requirements of fingerprint cards and how we -- how</p> <p>15 we took those, how we archived those, how we</p> <p>16 submitted those, et cetera.</p>			
249:23- 250:10	<p>Plaintiff objects to the testimony as non-responsive to the question posed, not based on personal knowledge as required by FRE 602 and therefore speculative.</p> <p>23 So whether it makes a difference or not</p> <p>24 remains to be seen, you know, as that activity</p> <p>25 transpires out to the actual investigation.</p> <p>Page 250</p> <p>1 So if, for instance, the commander would have</p> <p>2 said, We have a real problem with, you know, tagging</p> <p>3 computers as evidence, you're not doing it</p> <p>4 correctly, we're going to do an all-stop focus on</p> <p>5 how to do that correctly, then one would expect if</p> <p>6 you put that much effort into that, the result would</p> <p>7 have been you would have had far fewer errors</p> <p>8 tagging computers correctly as evidence. But you</p> <p>9 don't know that until you collect the data after the</p> <p>10 fact.</p>			
253:16 – 253:20	<p>Plaintiff objects to the questions from Counsel Mr. Furman as calling for opinion testimony unsupported by proper foundation in violation of FRE 701 and 702.</p>			

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	<p>16 Q. (By Mr. Furman) Did you feel the</p> <p>17 training provided to the OSI agents was sufficient?</p> <p>18 A. I did feel it was sufficient and it met</p> <p>19 the requirements -- for the training requirements</p> <p>20 injected that we had at the time.</p>			
253:21 – 253:23	<p>Plaintiff objects to the questions from Counsel Mr. Furman as calling for a response based on hearsay FRE 802.</p> <p>21 Q. Did any -- anyone ever tell you that the</p> <p>22 training was not sufficient?</p> <p>23 A. No.</p>			
253:24 – 254:7	<p>Plaintiff objects to the questions from Counsel Mr. Furman not based on personal knowledge as required by FRE 602 and therefore speculative; and calling for speculative opinion testimony unsupported by proper foundation in violation of FRE 701 and 702.</p> <p>24 Q. And when the students were done with</p> <p>25 your portion on the course that involved those</p> <p>Page 254</p> <p>1 elements, did you believe that they understood the</p> <p>2 material?</p> <p>3 A. I believe that I provided them with</p> <p>4 the -- the relevant information that they needed to</p> <p>5 understand and be able to execute that requirement.</p> <p>6 So the answer is yes, I felt they were</p> <p>7 prepared to do what was required.</p>			

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258:7– 258:17	<p>Plaintiff objects to the questions from Counsel Mr. Furman as calling for a legal conclusion.</p> <p>7 Q. So is it fair to say that your 8 instructions as Region II commander under the 9 regulations were more general in nature? 10 A. Yes, I think so. Um-hum. 11 Q. And as Region II Commander under the 12 regulations, did you have discretion on how you 13 executed your command role? 14 A. Yes. 15 Q. And you did, in fact, exercise that 16 discretion? 17 A. Yes.</p>			
258:18 – 260:1	<p>Plaintiff objects to the question from Counsel Mr. Furman on the grounds of relevance FRE 401, 403.</p> <p>18 Q. And as Region II Commander, did you have 19 many responsibilities? 20 A. I had several responsibilities. 21 Q. What did those include? 22 A. Essentially, the training, equipping and 23 organizing of the entire region. So everything from 24 ensuring that all elements of the mission were being 25 accomplished in a timely manner, that we were Page 259 1 complying with guidance, whether it was</p>			

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	<p>2 administrative in nature or -- or operational in</p> <p>3 nature.</p> <p>4 I had responsibility for the care and feeding</p> <p>5 of the -- not only the personnel assigned to</p> <p>6 Region II, but also their families, in some cases.</p> <p>7 When we had several people deployed, we still</p> <p>8 had the obligation to ensure the families that were</p> <p>9 left behind were still taken care of.</p> <p>10 As I mentioned before, the -- the area of</p> <p>11 responsibility was vast. So I traveled a great deal</p> <p>12 to try to get out to as many units as I could to</p> <p>13 have face-to-face conversations, to check on their</p> <p>14 morale, to ensure they had as much as I could</p> <p>15 provide, the resources they needed to conduct their</p> <p>16 mission.</p> <p>17 I had a substantial role in international</p> <p>18 liaison with respect to making sure international,</p> <p>19 and even federal, state and local law enforcement</p> <p>20 partners understood our mission and worked</p> <p>21 collegially with us on joint issues.</p> <p>22 A -- a big role in visiting, again, all the</p> <p>23 different aspects of the -- the AOR that I was</p> <p>24 responsible for.</p> <p>25 Q. So there was a lot?</p> <p>Page 260</p> <p>1 A. It was a lot.</p>			

Respectfully Submitted,

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I certify that the foregoing was filed through the Court's CM/ECF system on March 12, 2021, and the following counsel for the United States have received notice and been served through that system.

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